



FREDERICK COUNTY PLANNING COMMISSION

January 9, 2019

TITLE: Ballenger Creek Baptist Church

FILE NUMBER: SP18-08, AP 18536, APFO 18538, FRO 18539

REQUEST: **Site Plan Approval**
The Applicant is requesting Site Plan approval for the establishment of a Place of Worship in multiple existing structures on a 5.74-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located on the west side of Buckeystown Pike (MD 85), 300 feet north of Arcadia Drive/McKinney Circle.

TAX MAP/PARCEL: Tax Map 86, Parcel 163

COMP. PLAN: Limited Industrial

ZONING: Limited Industrial

PLANNING REGION: Frederick

WATER/SEWER: W-1/S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: Ballenger Creek Baptist Church

OWNER: Calvary Independent Baptist Church of Mount Airy Inc

ENGINEER: B&R Design Group

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Denis Superczynski, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit 1 - Site Plan Rendering

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Plan approval for the establishment of a Place of Worship in multiple existing structures, including a 99-seat sanctuary in the former carriage house, and two accessory residential units in the existing 5,700 s.f. historic house known as 'Arcadia'. The 5.74-acre site is listed on the National Register of Historic Places (MIHP/NR #F-1-172). The proposed uses are being reviewed as a "Place of Worship" land use with accessory residential dwelling units under the heading of *Institutional* per §1-19-5.310 Use Table in the Zoning Ordinance. The proposed use is a principal permitted use in the Limited Industrial Zoning District subject to Site Plan approval.

BACKGROUND

Development History

The historic structure has been previously utilized as a residence.

Existing Site Characteristics

The site is currently zoned 'Limited Industrial' (LI), and is occupied by the historic farmstead known as 'Arcadia'. The adjacent property, to the west of the site, is under development as a Planned Industrial development known as the Arcadia Business Park. Properties to the north and east include hotels and industrial uses. A residential community known as 'Countryside' is located immediately south of the proposed church. A future link of the Ballenger Creek Trail is planned for the area immediately north of the Site.

Figure 1: Aerial View

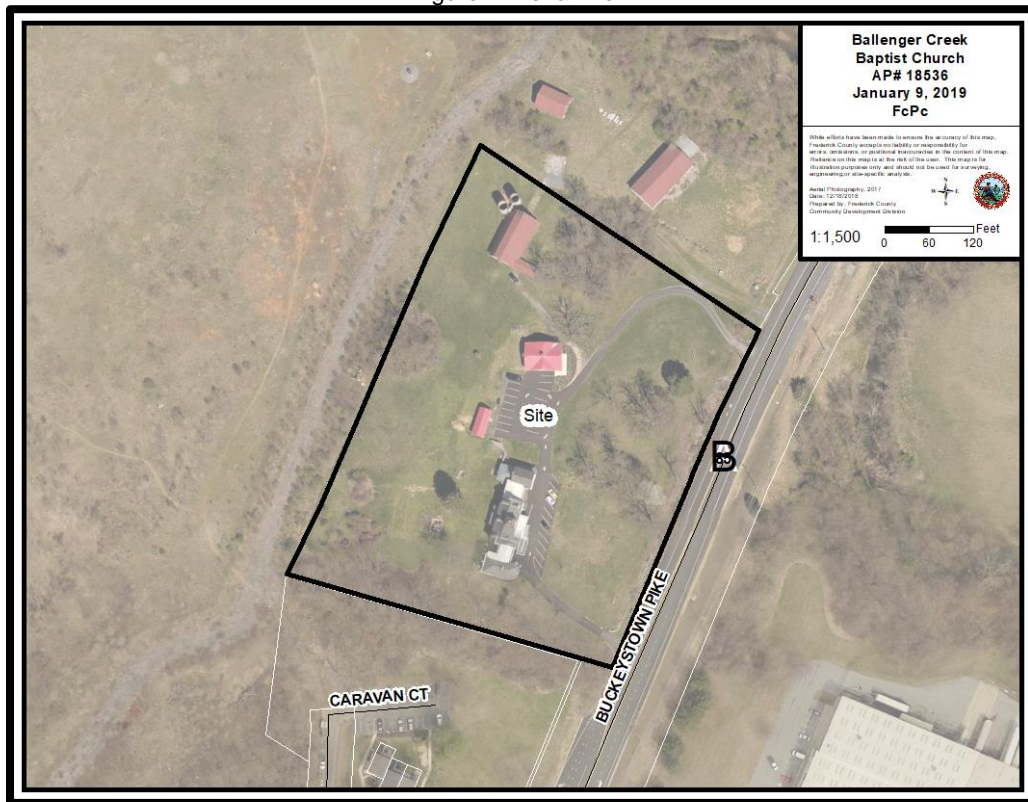


Figure 2: Zoning Map

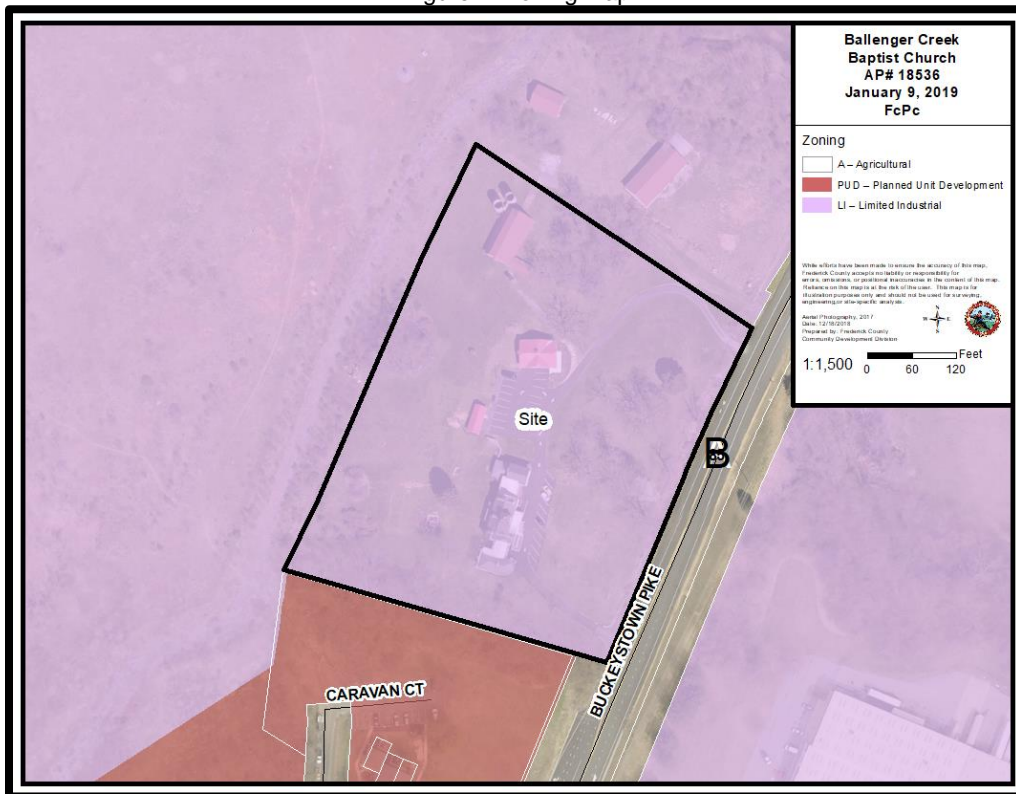


Figure 3: Aerial view of site looking westward toward the Arcadia Business Park site (Russell Property)



Figure 4: View of site looking northward



ANALYSIS

Summary of Development Standards Findings and Conclusions

Key issues of the proposed development include:

- Vehicular access to, and safe circulation within, the site
- Providing adequate and convenient parking for residents and visitors
- Adaptive reuse of a National Register site

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. Dimensional Requirements/Bulk Standards §1-19-6.100:

The setback requirements for Institutional Uses within the Limited Industrial zoning district are as follows:

Required Front Yard:	25 feet
Existing Front Yard (carriage house):	206 feet
Existing Front Yard (mansion):	163 feet

Required Side Yards:	Equal to the height of the structure for which the yard is being determined
Existing Side Yard (carriage house height @ 22'):	43 feet
Existing Side Yard (mansion height @ 34'):	70 feet

Required Rear Yard:	20' (Industrial)
Existing Rear Yard:	64 feet

Maximum Building Height:	60 feet
Requested Maximum Building Height:	34 feet (tallest existing structure)

Building Height §1-19-6.160:

The building height limitations of this chapter do not apply to:

§1-19-6.160(C): *Churches, schools, institutional buildings, public utility buildings and structures provided that for each 3 feet by which the height of such structure exceeds the maximum height generally permitted for structures in the district, the required side and rear yards measurements will be increased by an additional foot.*

The proposed use will be conducted in existing buildings constructed prior to the adoption of the County's first Zoning Ordinance in 1959. The buildings do not exceed the maximum height for

structures in the Limited Industrial (LI) District.

2. Signage §1-19-6.300:

The Applicant is proposing a single freestanding sign to be located at the main entrance on Buckeystown Pike. All signage will be subject to the sign requirements of the Zoning Ordinance and will be subject to a Sign Permit. The calculation for permitted signage for places of worship is as follows:

Max. Permitted sign area:	32 square feet
Maximum sign height:	12 feet
Signage Area Proposed:	32 square feet (a sign permit will be required prior to erection of sign)

Conditions:

1. The Applicant must indicate on the Site Plan the location of the proposed freestanding sign.

3. Landscaping §1-19-6.400:

The landscape plan provides adequate screening and shade cover for the parking lots, walkways, and access drives.

- **Street Trees §1-19-6.400(A):** of the code requires 1 street tree per 35 linear feet of road frontage, therefore requiring 14 street trees ($496 / 35 = 14.2$). Three existing large deciduous trees (25" dia., 27" dia., and 45" dia.) are located along the front property line. Eleven additional street trees (Eastern Redbud) are proposed along the Buckeystown Pike frontage – in line with the existing trees - to meet the street tree requirement.
- **Land Use Buffering and Screening §1-19-6.400(B):** Adjacent land uses are industrial. Any required plantings shall be determined by the Planning Commission. However, Staff recommends that no additional plantings be required given the location and current landscaped character of the Site. Adequate landscape screening was provided on two recently approved site plans for the adjoining lots in the Arcadia Business Park.
- **Parking Area Buffering and Screening §1-19-6.400(C):** The Applicant is providing a 90' row of inkberry shrubs planted along the eastern edge of the parking area. Views of the parking area are generally obscured between April and December by existing vegetation between Buckeystown Pike and the parking area.
- **Parking Area Landscaping §1-19-6.400(D):** The parking area shade tree canopy requirement of 20% can be met by re-designating four (4) of the proposed Eastern Redbud trees as Red Maples. The Eastern Redbud offers little value as a shade tree in a parking lot environment due to its short stature and truncated canopy. A Red Maple at maturity, may produce a canopy approaching 35'-40'. If the four proposed redbuds located at the four corners of the parking area are planted as Red Maples, the canopy cover would be approximately 2,100 sf. The parking area is calculated at approximately 9,118 sf in total pavement coverage, thus the 2,100 canopy cover would provide approximately 23% canopy cover over the paved parking areas.

Conditions:

1. The Applicant must designate four of the proposed Eastern Redbud trees (located at the four corners of the parking area) as Red Maples – or another equivalent deciduous shade tree. The Applicant shall demonstrate through calculation that the 20% canopy cover

threshold has been reached.

4. **Lighting §1-19-6.500:** The Applicant proposes the installation of building mounted lights, presumably to meet life safety requirements at building entrances and exits. No photometric plan has been submitted with this application, however Note #15 indicates that lighting shall be placed in such a manner as to result in lighting levels below 0.5 footcandles at all property boundaries. The Zoning Ordinance requirements for lighting does not apply to emergency or safety lighting.

Any proposed lighting, other than that required to comply with building codes, shall be submitted to the Planning Commission with the appropriate photometric documentation demonstrating compliance with the Zoning Ordinance.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** Primary access to the Site will be achieved through the widening of one of the two existing entrances to the site along Buckeystown Pike (MD 85). The second access drive currently completes a 'loop' driveway configuration but will be chained to prevent its use, except for emergencies. Vehicular circulation is accommodated by widening the southernmost entrance drive so as to create two-way traffic flow leading to and from the parking area. A MDOT SHA access permit will be required to work within the MD 85 right-of-way. The existing parking area will be modified to allow for one-way traffic flow servicing the sanctuary, storage building, and parking spaces. Nine angled parking spaces are being shifted from a location in front of the house to an area on the eastern edge of the existing parking lot for the purpose of broadening the drive aisle as it passes in front of the historic house.
2. **Connectivity §1-19-6.220 (F):** There are no existing or anticipated parking areas on adjacent properties to which to provide a connection. The existing and anticipated surrounding land uses, coupled with environmental and topographic challenges, make cross-connections impractical and unwarranted.
3. **Public Transit:** TransIt's 'Rt. 85 Commuter Shuttle' connects both MARC stations (as well as the FSK Mall) with light industrial employers in and around the proposed church site. However, the service is offered on a limited basis, mornings and late afternoons, Monday-Friday, and is not likely to be utilized by the proposed church use.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:**
 - a. The Zoning Ordinance requires 1 parking space per 5 seats for a Place of Worship. Based on the 99-seat sanctuary, 20 parking spaces are required for this component of the proposed use. The ordinance also requires 2 parking spaces per dwelling unit (2-family or duplex units). The Applicant is proposing 24 parking spaces, including one handicap accessible space that is located immediately adjacent to the carriage house/sanctuary.

Total Parking Spaces Required: 24
Total Parking Spaces Provided: 24

- b. The Zoning Ordinance requires 1 small loading space for Places of Worship between 1,000 sf and 5,000 sf in size. Based on 2,700 sf of non-residential use structures (2,000 sf sanctuary and 700 sf storage building) 1 small (9'x20') loading space is required. The Applicant is proposing 1 small loading space to be designated in front of the northern wing of the mansion, which can service the mansion, the storage building, and the sanctuary. It should also be noted that the secondary driveway access lane – to be gated during church services – could be utilized to provide additional loading/unloading area with immediate access to the carriage house/sanctuary. Staff recommends that the proposed small loading space not be marked or striped, out of respect for the historic character of the historic home.

5. **Bicycle Parking §1-19-6.220 (H):** The Zoning Ordinance requires 1 bicycle rack for every 20,000 sf of Gross Floor Area (minimum of 1 rack). Based on 8,400 sf GFA directly related to the proposed use as a Place of Worship, 1 bicycle rack is required. The Applicant is proposing 1 bicycle rack per Note #13. The Applicant must indicate the location of this proposed rack on the site plan in addition to indicating compliance with the Frederick County Bicycle Parking Guidelines.

Conditions:

1. The Applicant must indicate the location of this proposed bike rack on the site plan, ensuring that the proposed location is within 50 feet of the carriage house (sanctuary) entrance.
2. The Applicant shall modify the site plan to indicate that the secondary drive aisle shall be gated/chained at all times, and not just during religious services, per SHA's comment.

6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** Sidewalks and crosswalks are proposed to provide internal circulation from the parking lots to the buildings. Handicap accessible routes from the parking lot to the sanctuary will be compliant with ADA and the Maryland Accessibility Code. Due to the vehicular-dependent nature of the proposed use, coupled with the remoteness of the property, no pedestrian connections are being provided to the site from the public way. Staff acknowledges that no public sidewalks exist along Buckeystown Pike and supports the Applicant's desire to limit pedestrian access to the site.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

The site is classified W-1/S-1. The site is currently served by public water, but will maintain a private, on-site septic system. A septic design must be approved by Health Department prior to permits.

Conditions

1. Obtain approval of septic design by Health Department prior to final site plan approval.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

Topography: The main structures on the site rest on a minor promontory with the property generally sloping downward toward Ballenger Creek, north of the site.

1. **Vegetation:** The land cover is primarily composed of a combination of turf, open fields, undergrowth, and small forested clusters of vegetation.
2. **Sensitive Resources:** The 100-year FEMA floodplain – and its 25-foot buffer - occupy the northeastern corner of the site, though it is located well outside of any proposed area of disturbance.
3. **Natural Hazards:** There are no natural hazards known to exist on this site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

There are no common areas required or proposed for this activity.

Stormwater Management – Chapter 1-15.2: Stormwater Management (SWM) shall be provided in accordance with the Maryland Stormwater Management Act of 2007. General Note #19 addresses site-specific stormwater compliance.

APFO – Chapter 1-20:

1. **Schools.** This project is a non-residential use and exempt from school testing.
2. **Water/Sewer.** This property is classified W-1/S-1 (Connected) in the County's Master Water and Sewer Plan and is therefore exempt from APFO testing for water and sewer.
3. **Roads.** This development generates fewer than six new trips during the peak hour of the adjacent street traffic and is exempt from APFO consideration.

Forest Resource – Chapter 1-21: The Applicant has submitted a Combined Preliminary/Final FRO plan. No forest or specimen trees are present within the area of work. However, an afforestation requirement of 0.02 acres (15%) applies. To satisfy this afforestation requirement, the Applicant will submit a payment of fee-in-lieu prior to grading permits or building permits, whichever is applied for first.

Conditions

1. The Combined Preliminary/Final Forest Conservation Plan must be approved prior to Site Plan approval. FRO mitigation (payment of fee-in-lieu) must be provided prior to applying for grading permits or building permits, whichever is applied for first.

Historic Preservation – Chapter 1-23: The site is listed on the National Register of Historic Places as 'Arcadia' (MIHP# F-1-172). Proposed alteration of a National Register-listed, or National Register-eligible, property that is utilizing Federal resources (funding, permitting, licensure, etc.) is subject to Section 106 review under the National Historic Preservation Act of 1966. No Federal resources are being utilized in this proposed project and no Section 106 review is required.

Additional information related to the history of the Arcadia property can be found here:

<https://mht.maryland.gov/nr/NRDetail.aspx?FROM=NRDBList.aspx&NRID=485&COUNTY=&SEARCHTYPE=propertySearch&PROPNAME=arcadia&STREETNAME=&CITYNAME=&KEYWORD=>

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Conditional Approval
<i>Development Review Planning:</i>	Conditional Approval
<i>State Highway Administration (SHA):</i>	Approved.
<i>Forest Resource Ordinance (FRO):</i>	Approval
<i>Health Dept.</i>	Conditional Approval
<i>Office of Life Safety</i>	Approved
<i>DUSWM</i>	Conditional Approval
<i>DPDR Traffic Engineering</i>	Conditional Approval
<i>Historic Preservation</i>	Conditional Approval
<i>APFO Review</i>	Conditional Approval

RECOMMENDATION

Staff has no objection to conditional approval of the Ballenger Creek Baptist Church Site Plan. If the Planning Commission conditionally approves the site plan, the plan is valid for a period of three (3) years from the date of Planning Commission approval (January 9, 2022).

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

Staff-proposed conditions of approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. Obtain approval of septic design by Health Department prior to final site plan approval.
3. The Combined Preliminary/Final Forest Conservation Plan must be approved prior to Site Plan approval. FRO mitigation (payment of fee-in-lieu) must be provided prior to applying for grading permits or building permits, whichever is applied for first.
4. The Applicant must indicate the location of this proposed rack on the site plan, insuring that the proposed location is within 50 feet of the carriage house (sanctuary) entrance.
5. The Applicant shall modify the site plan to indicate that the secondary drive aisle shall be gated/chained at all time, and not just during religious services, per SHA comment.
6. The Applicant must designate four of the proposed Eastern Redbud trees (located at the four corners of the parking area) as Red Maples – or another equivalent deciduous shade tree. The Applicant shall demonstrate through calculation that the 20% canopy cover threshold has been reached.
7. The Applicant must indicate on the Site Plan the location of the proposed freestanding sign.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Plan SP18-08, AP 18536, FRO AP 18539, and APFO AP 18538 **with conditions** as listed in the staff report for the proposed Ballenger Creek Baptist Church, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

